

AMENDED IN SENATE MARCH 20, 2017

**SENATE BILL**

**No. 62**

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**Introduced by Senator Jackson**

December 22, 2016

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An act to ~~amend Section 12945.2~~ add Article 8 (commencing with Section 12100.50) to Chapter 1.6 of Part 2 of Division 3 of Title 2 of the Government Code, relating to ~~employment~~; state government.

LEGISLATIVE COUNSEL'S DIGEST

SB 62, as amended, Jackson. ~~Unlawful employment; family care and medical leave.~~ *Affordable Senior Housing Act of 2017.*

*The Economic Revitalization Act establishes the Governor's Office of Business and Economic Development, also known as "GO-Biz," within the Governor's office, under the direct control of a director appointed by the Governor. The act requires GO-Biz to serve as the lead entity for economic strategy and the marketing of California on issues relating to business development, private sector investment, and economic growth and authorizes it to undertake various actions in this capacity.*

*This bill would enact the Affordable Senior Housing Act of 2017, which would establish the Affordable Senior Housing Program within GO-Biz, as part of the Economic Revitalization Act. The bill would declare that the purpose of this program is to guide and serve as a catalyst for the development of affordable senior housing dwelling units within this state and would require the director of GO-Biz to undertake various actions in implementing this program, including establishing and implementing a process for identifying and convening public and private stakeholders, assisting program participants in identifying suitable locations and potential sources of public and private funding*

*for the development of affordable senior housing, obtaining state and local permits, providing guidance on regulatory compliance, and providing information on tax credits and other incentives. The bill would require the director to annually report to the Legislature specified information about the program, as provided. The bill would also make various findings and declarations with regard to its provisions.*

~~Existing law, the Moore-Brown-Roberti Family Rights Act, makes it an unlawful employment practice for an employer to refuse to grant a request by an eligible employee to take up to 12 workweeks of unpaid protected leave during any 12-month period (1) to bond with a child who was born to, adopted by, or placed for foster care with, the employee, (2) to care for the employee's parent, spouse, or child who has a serious health condition, as defined, or (3) because the employee is suffering from a serious health condition rendering him or her unable to perform the functions of the job. The act provides that if the same employer employs both parents entitled to leave under the act, the employer is not required to grant leave in connection with the birth, adoption, or foster care of a child that would allow the parents family care and medical leave totaling more than the amount specified in the act.~~

~~The act defines "child" to mean a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis who is either under 18 years of age or an adult dependent child. The act defines "family care and medical leave" to mean, among other things, leave for reason of the serious health condition of a child, and leave to care for a parent or a spouse who has a serious health condition. The act defines "parent" to mean a biological, foster, or adoptive parent, a stepparent, a legal guardian, or other person who stood in loco parentis to the employee when the employee was a child.~~

~~This bill would make various changes to the definitions described above, thereby expanding the persons and purposes for which leave is required to be provided under the act. The bill would redefine the term "child" to include a biological, adopted, or foster son or daughter, a stepchild, a legal ward, a son or daughter of a domestic partner, or a person to whom the employee stands in loco parentis, and would remove the restriction on age or dependent status. The bill would expand the definition of leave with regard to caring for persons with a serious health condition to also include leave to care for a grandparent, grandchild, sibling, or domestic partner who has a serious health condition. The bill would include a parent-in-law in the definition of "parent." The bill~~

would delete the above-described provision regarding an employer who employs both parents entitled to leave under the act.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Article 8 (commencing with Section 12100.50) is*  
2     *added to Chapter 1.6 of Part 2 of Division 3 of Title 2 of the*  
3     *Government Code, to read:*

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5             *Article 8. Affordable Senior Housing Act of 2017*  
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7     *12100.50. (a) The Legislature finds and declares all of the*  
8     *following:*

9         *(1) California baby boomers are turning 65 years of age at the*  
10        *highest rate in the nation, and more than 20 percent of California's*  
11        *population will be 65 years of age or older by 2030.*

12        *(2) Among persons 65 years of age or older, an estimated 70*  
13        *percent will use long-term services and supports (LTSS).*

14        *(3) Persons who are 85 years of age or older are the fastest*  
15        *growing segment of the United States population, and they are*  
16        *four times more likely to need LTSS than persons who are 65 years*  
17        *of age or older but younger than 85 years of age.*

18        *(4) People are living longer, and the aging population is*  
19        *increasingly diverse.*

20        *(5) A 2015 report by the Senate Select Committee on Aging and*  
21        *Long Term Care, titled "A Shattered System: Reforming*  
22        *Long-Term Care in California: Envisioning and Implementing an*  
23        *IDEAL Long-Term Care System in California," found that the*  
24        *state's system of 112 aging and long-term care programs*  
25        *administered by 20 agencies and departments is almost impossible*  
26        *for consumers to navigate.*

27        *(6) Other deficiencies of the system include the lack of*  
28        *person-centered care, poor transitions from hospital to home or*  
29        *to other institutions, limited access to a range of services that*  
30        *enable aging in place, deficiency of services and supports in rural*  
31        *areas, limited cultural competency, skilled workforce shortages*  
32        *across a range of disciplines, the lack of uniform data, the lack of*  
33        *a universal assessment tool, and limited caregiver supports.*

1     (7) A recent study by the County of Santa Barbara indicates  
2     that there are more than 5,000 people who are 75 years of age or  
3     older living on social security alone in the Counties of Santa  
4     Barbara, Ventura, and San Luis Obispo.

5     (8) The Golden Inn and Village development in the County of  
6     Santa Barbara was created specifically to address the needs of  
7     seniors, and especially orphaned seniors - those who have no one  
8     left to care for them - and those in need of affordable housing. The  
9     whole tri-county community has benefited from its vibrant, model  
10    setting, where seniors and others around them thrive.

11    (9) The Golden Inn and Village is designed to nurture a  
12    neighborhood or extended family-like environment, taking the  
13    mixed-use campus model of affordable housing to a new level in  
14    independent living, with affordable employee and family housing  
15    and a community center and gardens. Affordable staff housing is  
16    not typically included in senior care services, nor are supportive  
17    services typically integrated into affordable housing campuses.  
18    The next phase of the Golden Inn and Village will include assisted  
19    living, memory care, adult day care, and hospice, a place where  
20    seniors will never have to move again as they age in place.

21    (10) It is the intent of the Legislature in enacting this section to  
22    foster the development of more facilities like Golden Inn and  
23    Village and other affordable, inclusive senior housing units through  
24    a statewide development program.

25    (b) This article shall be known, and may be cited, as the  
26    Affordable Senior Housing Act of 2017.

27    12100.51. (a) The Affordable Senior Housing Program,  
28    hereafter referred to in this article as “the program,” is hereby  
29    created within the Governor’s Office of Business and Economic  
30    Development. The program shall be under the authority of the  
31    director.

32    (b) The purpose of the program is to guide and serve as a  
33    catalyst for the development of affordable senior housing dwelling  
34    units within this state.

35    (c) In implementing the program, the director shall do all of  
36    the following:

37    (1) Establish and implement a process for identifying and  
38    convening public and private stakeholders, including local  
39    governments, nongovernmental organizations, businesses, and  
40    consultants, who are interested in developing and financing

1 *affordable senior housing dwelling units within this state. The*  
2 *director shall take a leadership role among program participants*  
3 *in guiding the development of affordable senior housing dwelling*  
4 *units from initial conception to final completion.*

5 *(2) Assist program participants in identifying suitable locations*  
6 *and potential sources of public and private funding, including*  
7 *loans, grants, and other forms of financing, for the development*  
8 *of affordable senior housing.*

9 *(3) Assist program participants in obtaining state and local*  
10 *permits, provide guidance on regulatory compliance, and provide*  
11 *information on tax credits and other incentives.*

12 *(4) Work cooperatively with local, regional, federal, and other*  
13 *state entities toward attracting, retaining, and helping public and*  
14 *private sector stakeholders develop affordable senior housing*  
15 *dwelling units within this state.*

16 *(5) Prioritize affordable senior housing projects that meet one*  
17 *or more of the following criteria:*

18 *(A) Provide access to affordable housing and care in a vibrant*  
19 *neighborhood setting.*

20 *(B) Provide access to a continuum of services that meet the*  
21 *needs of seniors.*

22 *(C) Provide stimulating, positive, multigenerational*  
23 *relationships.*

24 *(D) Provide opportunities for seniors to actively engage and*  
25 *contribute to the community.*

26 *(E) Provide housing opportunities that allow seniors to age in*  
27 *place without having to move from their dwelling unit.*

28 *(d) (1) The director shall annually report to the Legislature*  
29 *information concerning the number and location of affordable*  
30 *senior housing dwelling units developed through the program, the*  
31 *categories of stakeholders who participate in the program, and*  
32 *the types of burdens and successes encountered, if any, in*  
33 *developing affordable senior housing projects through the*  
34 *program.*

35 *(2) A report to be submitted pursuant to paragraph (1) shall be*  
36 *submitted in compliance with Section 9795.*

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**All matter omitted in this version of the bill  
appears in the bill as introduced in the  
Senate, December 22, 2016. (JR11)**

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